



General Assembly

January Session, 2007

Raised Bill No. 6981

LCO No. 3559

03559_____GL_

Referred to Committee on General Law

Introduced by:
(GL)

***AN ACT CONCERNING ENFORCEMENT OF ELECTRONIC MAIL
PHISHING AND IDENTITY THEFT LAWS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53-454 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) For purposes of this section:

4 (1) "Electronic mail message" means a message sent to a unique
5 destination that consists of a unique user name or mailbox and a
6 reference to an Internet domain, whether or not displayed, to which
7 such message can be sent or delivered.

8 (2) "Identifying information" means specific details that can be used
9 to access a person's financial accounts or to obtain goods or services,
10 including, but not limited to, such person's Social Security number,
11 driver's license number, bank account number, credit or debit card
12 number, personal identification number, automated or electronic
13 signature, unique biometric data or account password.

14 (b) No person shall, by means of an Internet web page, electronic

15 mail message or otherwise using the Internet, solicit, request or take
16 any action to induce another person to provide identifying information
17 by representing that the person, either directly or by implication, is an
18 on-line Internet business, without the authority or approval of such on-
19 line Internet business. The Attorney General may issue subpoenas or
20 interrogatories requiring production of evidence or testimony
21 concerning a violation of this subsection. The Attorney General may
22 apply to the Superior Court to enforce any subpoena or interrogatories
23 issued pursuant to this subsection.

24 (c) The Attorney General or any person aggrieved by a violation of
25 subsection (b) of this section may file a civil action in Superior Court to
26 enforce the provisions of this section and to enjoin further violations of
27 this section. The Attorney General or such aggrieved person may
28 recover actual damages or twenty-five thousand dollars, whichever is
29 greater, for each violation of subsection (b) of this section.

30 (d) In a civil action under subsection (c) of this section, the court
31 may increase the damage award to an amount equal to not more than
32 three times the award provided in said subsection (c) if the court
33 determines that the defendant has engaged in a pattern and practice of
34 violating subsection (b) of this section.

35 (e) An interactive computer service provider shall not be held liable
36 or found in violation of this section for identifying, removing or
37 disabling access to an Internet web page or other on-line location that
38 such provider believes in good faith is being used to engage in a
39 violation of this section.

40 (f) A violation of subsection (b) of this section shall be a class D
41 felony. Multiple violations resulting from a single action or act shall
42 constitute one violation for the purposes of this subsection.

43 Sec. 2. Section 53-388a of the general statutes is repealed and the
44 following is substituted in lieu thereof (*Effective October 1, 2007*):

45 (a) As used in this section:

46 (1) "Scanning device" means a scanner, reader or any other
47 electronic device that is used to access, read, scan, obtain, memorize or
48 temporarily or permanently store information encoded on a computer
49 chip or a magnetic strip or stripe of a payment card.

50 (2) "Reencoder" means an electronic device that places encoded
51 information from a computer chip or a magnetic strip or stripe of a
52 payment card onto a computer chip or a magnetic strip or stripe of a
53 different payment card or any electronic medium that allows an
54 authorized transaction to occur.

55 (3) "Payment card" means a credit card, charge card, debit card or
56 any other card that is issued to an authorized card user and that allows
57 the user to obtain, purchase or receive goods, services, money or
58 anything else of value from a merchant.

59 (4) "Merchant" means a person who receives, from an authorized
60 user of a payment card or from someone the person reasonably
61 believes to be such an authorized user, a payment card or information
62 from a payment card or what the person reasonably believes to be a
63 payment card or information from a payment card, as an instrument
64 for obtaining, purchasing or receiving goods, services, money or
65 anything else of value from the person.

66 (b) No person shall use a scanning device to access, read, obtain,
67 memorize or temporarily or permanently store information encoded
68 on a computer chip or a magnetic strip or stripe of a payment card
69 without the permission of the authorized user of the payment card and
70 with the intent to defraud the authorized user, the issuer of the
71 authorized user's payment card or a merchant.

72 (c) No person shall use a reencoder to place information encoded on
73 a computer chip or a magnetic strip or stripe of a payment card onto a
74 computer chip or a magnetic strip or stripe of a different card without

75 the permission of the authorized user of the card from which the
76 information is being reencoded and with the intent to defraud the
77 authorized user, the issuer of the authorized user's payment card or a
78 merchant.

79 (d) The Attorney General may issue subpoenas or interrogatories
80 requiring production of evidence or testimony concerning a violation
81 of this subsection. The Attorney General may apply to the Superior
82 Court to enforce any subpoena or interrogatories issued pursuant to
83 this subsection. The Attorney General may institute a civil proceeding
84 in Superior Court against any person who violates subsection (b) or (c)
85 of this section.

86 (e) Any person who violates the provisions of subsection (b) or (c) of
87 this section shall be fined not more than ten thousand dollars and
88 imprisoned not less than one year or more than ten years, or both.

89 (f) No person shall possess a scanning device or reencoder under
90 circumstances manifesting an intent to use the same in the commission
91 of a violation of subsection (b) or (c) of this section.

92 (g) Any person who violates subsection (f) of this section shall be
93 guilty of a class A misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	53-454
Sec. 2	<i>October 1, 2007</i>	53-388a

Statement of Purpose:

To provide the Attorney General with investigatory authority regarding electronic mail phishing and identity theft statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]